

AUG 06 2010

JULIA C. DUBLEY, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JAMES CLINTON FORMAN
Petitioner,

v.

BRYAN WATSON, WARDEN,
Respondent.

Civil Action No. 7:10cv00326

FINAL ORDER

By: Samuel G. Wilson
United States District Judge

In accordance with the Memorandum Opinion entered on this day, it is **ORDERED** and
ADJUDGED that:

- 1) Forman's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED** without prejudice;
- 2) To the extent his § 2254 is dismissed, the court finds that Forman has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), and therefore, a certificate of appealability is **DENIED**;
- 3) Forman's pleading is **CONSTRUED** as a civil rights action pursuant to 42 U.S.C. § 1983;
- 4) Forman's motion for leave to proceed in forma pauperis is **GRANTED**;
- 5) Forman's § 1983 complaint is **DISMISSED** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2); and
- 6) This case is **STRICKEN** from the court's docket.

The Clerk is directed to send a copy of the Order and accompanying Memorandum Opinion to the petitioner.

ENTER: This August 6, 2010.

[Signature]
UNITED STATES DISTRICT JUDGE